



ALA Washington Office Chronology INFORMATION ACCESS

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LESS ACCESS TO LESS INFORMATION BY AND ABOUT THE U.S. GOVERNMENT: XXVIII

A 1997 Chronology: January - June

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A 1997 Chronology: January - June

INTRODUCTION

For the past 16 years, this ongoing selective chronology has documented efforts to restrict and privatize government information. It is distributed as a supplement to the ALA Washington Office Newsletter and as an electronic publication at <http://www.ala.org/washoff/lessaccess>.

While government information is more accessible through computer networks and the Freedom of Information Act, there are still barriers to public access. The latest damaging disclosures facing the Clinton Administration involve allegations of concealing information and claiming executive privilege. Continuing revelations of Cold War secrecy show how government information has been concealed, resulting in a lack of public accountability and cost to taxpayers.

Another development, with major implications for public access, is the growing tendency of federal agencies to use computer and telecommunication technologies for data collection, storage, retrieval, and dissemination. This trend has resulted in the increased emergence of contractual arrangements with commercial firms to disseminate information collected at taxpayer expense, higher user charges for government information, and the proliferation of government information available in electronic format only. This trend toward electronic dissemination is occurring in all three branches of government. While automation clearly offers promises of savings, will public access to government information be further restricted for people who cannot afford computers or pay for computer time?

On the other hand, the Government Printing Office GPO Access system and the Library of Congress THOMAS system have enhanced public access by providing free online access to government databases. A study prepared in July 1996 by GPO for Congress recommends a five to seven year transition to a more electronic depository program instead of the rapid two-year transition proposed in 1995 by the House of Representatives.

ALA continues to reaffirm its long-standing conviction that open government is vital to a democracy. A January 1984 resolution passed by ALA's Council stated that "there should be equal and ready access to data collected, compiled, produced, and published in any format by the government of the United States."

In 1986, ALA initiated a Coalition on Government Information. The Coalition's objectives are to focus national attention on all efforts that limit access to government information, and to develop support for improvements in access to government information.

With access to information a major ALA priority, library advocates should be concerned about barriers to public access to government information. Previous chronologies were compiled in two ALA Washington Office indexed publications, *Less Access to Less Information By and About the U.S. Government: A 1981-1987 Chronology*, and *Less Access to Less Information By and About the U.S. Government: A 1988-1991 Chronology*. The following selected chronology continues the tradition of a semi-annual update.

CHRONOLOGY

JANUARY

National security agencies blunder

The end of 1996 saw several public relations blunders that drew unfavorable attention to various federal agencies that are part of the national security establishment. The apparent decision of the Central Intelligence Agency to make major cuts in personnel and the budget for its popular Foreign Broadcast Information Service (FBIS) caused the service's fans to protest. "For them to be talking about massive cutbacks is a tragedy," said Rep. W. Curtis Weldon (R-PA). "If anything, we need more info." FBIS, which provides English-language translations of more than 3,500 publications from around world, is considered essential reading among diplomats, journalists, academics and politicians who follow foreign affairs. Additionally, for some, FBIS is one of the few visible products that the public receives from the annual \$29 billion investment in intelligence collection.

In another incident, the Air Force leaked the news that it determined that no Air Force person should be held responsible for the bombing of an Air Force housing complex in Saudi Arabia where 19 Americans were killed and 500 wounded. But the Air Force withheld release of the report on which the blanket clearances were based, pending further legal reviews. The Air Force finding contradicted the conclusions of a Pentagon investigation which said that the base's military leaders had failed to react to a number of intelligence warnings about terrorist attacks planned in Saudi Arabia. (Kitfield, James. "Ready, Aim...Oops!" *National Journal*, 4 January 1997, 45.)

Timing of ethics report release causes controversy

In early January, the bi-partisan membership of the House ethics committee had agreed on several days of public hearings into the acknowledged ethical violations of House Speaker Newt Gingrich (R-GA) before the entire House would vote on the speaker's punishment. But when Democrats complained that they would be required to vote before the committee's special counsel James Cole turned in his report, the agreement fell apart. The dispute concerned the special counsel's role in the hearings and what information he would present. Rep. Nancy Johnson (R-CT), chair of the ethics panel, said she told Cole to complete the committee's final report by January 16 "for circulation to the public and to every member of Congress. Following that, we anticipate a public hearing." (Blomquist, Brian. "Gingrich hearings

deferred," *The Washington Times*, 10 January 1997, A1.)

More Kennedy assassination records made public

Continuing a story that *Less Access* has documented for many years, the Federal Bureau of Investigation transferred to the National Archives 15,121 more pages of records related to President John Kennedy's assassination. The latest files are documents reviewed by the House Select Committee on Assassinations in 1978 and 1979 when it examined various assassination conspiracy theories. The FBI has transferred more than 666,000 pages of Kennedy assassination records to NARA under a 1992 law that provides public access to the records. (Associated Press. "FBI Turns Over More Files on Kennedy Assassination," *The Washington Post*, 14 January 1997, A13.)

Ethics report made available on publicly inaccessible web site

When the ethics committee's report on House Speaker Newt Gingrich (R-GA) was released the GPO Conference's photocopier could not meet the demand for copies. The leadership then posted the report in the Member services section of its Web site, which the public cannot access. (Henry, Ed. "Spin Begins Even Before Counsel's Report Is Out," *Roll Call*, January 20, 1997, A-1.)

White House acknowledged conflicting statements

White House officials acknowledged providing incorrect or incomplete statements three times in recent months about its knowledge of key events in the campaign fund-raising activities that have resulted in numerous investigations. They were explained as the innocent results of internal miscommunications instead of a deliberate attempt to mislead the public. The three events identified were:

- The hiring of Webster Hubbell, longtime Clinton friend and former associate attorney general convicted of bilking clients of his old law firm, by an Indonesian firm owned by Democratic financial benefactors. The White House said in December 1996 that it did not know of Hubbells' hiring before it was disclosed by news media accounts. Later it was found that Bruce Lindsey, a senior Clinton adviser, was aware of the arrangement in 1994.
- The meetings of President Bill Clinton, the Indonesian

firm executive James Riady and Democratic fund-raiser John Huang were characterized as social chats. Later it was revealed that they also talked about U.S. policy toward Indonesia and China.

- Vice President Al Gore said during the 1996 campaign that he did not realize a controversial event he attended at a Buddhist temple was actually a Democratic fund-raiser. Recently he said that his staff had sent him a memo informing him that those attending had paid to belong to the party committee that hosted the events. (Baker, Peter. "White House Acknowledges Another Foul-Up," *The Washington Post*, 24 January 1997.)

Disclaimer issued for *Foreign Relations of the United States*

Volume XXII of *Foreign Relations of the United States*, covering the years 1961 to 1963, has been published with an unprecedented disclaimer that a committee of historians thinks "this published compilation does not constitute a 'thorough, accurate, and reliable documentary record of major United States foreign policy decisions.'" The censored material involves U.S. actions from 1958-1960 in Japan, and marks a victory by CIA classifiers over history. "A frightening precedent," said Steven Aftergood of the Federation of American Scientists. "The government would rather people imagine the worst rather than know the truth." (Kamen, Al. "And the Truth Shall Make You [Deleted]," *The Washington Post*, 24 January 1997.)

Runyon's stock worth more

Postmaster General Marvin Runyon had a much larger holding of Coca-Cola stock than he had previously disclosed. Runyon, under investigation for possible conflict of interest violations for his involvement in a proposal that would have given the company exclusive rights to place soft drink machines in the nation's post offices, sold his holdings last summer for between \$350,000 and \$360,000 after questions were raised about his role in the deal. His 1995 disclosure statement indicated the value of his Coca-Cola stock between \$50,000 and \$100,000. The 1996 disclosure statement, subsequently released by postal officials, placed the value of the Coca-Cola stock between \$250,001 and \$500,000. Runyon said he never believed the vending machine deal would benefit him and once he learned his role was being questioned he recused himself from the discussions and sold his stock. (McAllister, Bill. "Runyon's Coca-Cola Stock Worth More Than Stated,"

The Washington Post, 24 January 1997, A21.)

Crop freeze blamed on lack of weather data

A freeze in Florida, the worst in seven years, caused \$93 million in damage to winter vegetable and fruit crops in Dade County, and losses for all crops could total \$250 million statewide. Officials said one reason for the severity of the losses was that farmers did not get adequate warning of the weather so they could take precautions. Due to budget cuts, the National Weather Service stopped forecasting temperatures for agricultural areas in April 1996, forcing farmers to rely on local forecasts of populated areas, which tend to be warmer. "This was the first year we haven't had a weather forecast coming from the Government," specifically for farming areas, said Bob Crawford, Florida Agriculture Commissioner. "It really left farmers in the lurch not knowing this freeze is coming." ("Worst Freeze in Years Ruins Florida Crops," *The New York Times*, 24 January 1997, A20.)

CIA taught, then dropped, mental torture techniques

According to documents released by the CIA, the agency taught techniques of mental torture and coercion to at least five Latin American security forces in the early 1980s, but dropped these methods of interrogation in 1985. A 1983 manual advised against physical torture, but discussed using intense fear, deep exhaustion, solitary confinement, unbearable anxiety, and other forms of psychological duress against a subject. The agency's role in training Latin American security forces was discussed in the press and in closed Congressional hearings in the mid-1980s. The 1983 manual on interrogation and the 1985 prohibition against coercive methods were made public through a Freedom of Information Act request filed by *The Baltimore Sun* for a series on the CIA's relationship with a Honduran military battalion. The CIA's office of public affairs acknowledged for the first time on January 28, 1997 the agency's prior teaching and subsequent repudiation of psychological torture. (Weiner, Tim. "CIA Taught, Then Dropped, Mental Torture in Latin America," *The New York Times*, 29 January 1997, A11.)

Quality of data and quality of life linked

The growing threat to federal data collection and preservation is a hot topic of debate. Questions about the data being used to calculate the consumer price index (CPI) has generated a great deal of news, but the problem of inadequate measurement goes much deeper than current headlines. According to the author,

shortsighted congressional attacks on funding for data collection and preservation "will significantly damage everyone's quality of life, not just those affected by changes in the CPI." She observes that in its haste to reduce the federal deficit, Congress has plans to cut funding substantially over the next 10 years for data collection for federal agencies, including the 2000 census. "The cuts will hurt quality of life measurement projects at every level - federal, state, and local. Even local projects depend on federal data gathering for many important categories of information about their environments, social conditions, and economies." The author concludes: "There is a lot of loose talk these days about what kind of debt we are passing on to our children. But a 'know nothing' information policy at the dawn of the information age is a contradiction neither we nor our children can afford." (Strong, Susan C. "The Link Between Quality of Data and Quality of Life," *The Christian Science Monitor*, 30 January 1997.)

Specificity limited of airline safety data

The Federal Aviation Administration announced it will use the Internet to disseminate airline safety data that previously had been considered confidential. FAA was pressured by Congress to release more airline safety performance data after the May 1996 ValuJet Airlines crash in Florida. But airlines' safety records will not be ranked in the same way as FAA ranks on-time and luggage-handling performance. Apparently, airline officials convinced the FAA and Congress to limit the specificity of the data on airline safety that certain FAA data could be misinterpreted and should not be released. Information about maintenance violations—such as engine trouble or missed repair schedules—will not be included because of FAA concerns that airlines might be discouraged from volunteering such information if it were released. Previously, it would have required a Freedom of Information Act request to access much of the information that will be available on the FAA Web page located at: <http://www.faa.gov>. (Mintz, John. "FAA to Release Data on Safety of Airlines," *The Washington Post*, 30 January 1997, D1.)

IRS admits it lacks the "intellectual capital" to modernize

Arthur Gross, an Assistant Commissioner of Internal Revenue, told the National Commission on Restructuring the IRS that it had spent \$4 billion developing modern computer systems that "do not work in the real world." He said that he doubted that the agency was capable of developing modern computer systems because it lacked

the "intellectual capital" to do the job. Gross also proposed contracting out the processing of paper tax returns filed by individuals, a move that would permit non-government workers to see confidential financial information on tax returns. (Johnston, David Cay. "IRS Admits Lag in Modernization; Urges Contract Plan," *The New York Times*, 31 January 1997, A1.)

FEBRUARY

Contractor denies access to organ transplant data to the public and government

The United Network for Organ Sharing, a nonprofit organization based in Richmond, is a public/private partnership intended to manage the acquisition and distribution of the nation's scarce supply of donated organs. Although the U.S. Department of Health and Human Services' Division of Organ Transplantation regulates UNOS and paid about 18 percent of its \$13.1 million revenue in 1995, in recent months UNOS has repeatedly told the government that it cannot have data on transplant centers' turndowns of organ offers, access to records and meetings of UNOS' Council on Organ Availability, and, on occasion, minutes of UNOS' public board and committee meetings.

While the government increasingly finds itself helpless when UNOS says no, some people think the government has abdicated its responsibility. "You can't delegate public policy to a private contractor," said Dr. John Roberts, a liver transplant surgeon at the University of California at San Francisco. "You can't have the people who are in control—essentially competitors—make policy." UNOS Executive Director Walter Graham disagrees. "I personally believe that the essence of democracy is self-regulation," he said.

The Plain Dealer requested data listing the reasons transplant programs turn down organ offers under the Freedom of Information Act for centers that transplant hearts, lungs, kidneys, pancreases and livers because it wanted the information for a series of articles. Officials of the U.S. Department of Health and Human Services agreed to ask UNOS for the data last summer, but UNOS officials denied the request, maintaining that the data are "misleading," and "meaningless" indicators of transplant centers' quality. Following the newspaper's appeal, U.S. Department of Health and Human Services official Remy Aronoff said of UNOS, "They think if it's given out and publicized, it will jeopardize their ability to get that same data from their sources." "Because it's potentially embarrassing?" Aronoff was asked. "Well,

yeah, right." (Davis, Dave and Ted Wendling. "Contractor keeps government in dark on transplant data," *The Plain Dealer* (OH), 3 February 1997, 6-A.)

IRS sued for failure to protect its records

The American Historical Association, the Organization of American Historians, the Society of American Archivists and Tax Analysts of Arlington joined in a lawsuit against the Internal Revenue Service in U.S. District Court alleging that the IRS is not taking care of its records and has huge gaps in its documents for the 1890s, 1910s and the 1940s. The suit alleges that IRS records could help understand the history of taxation in the United States and the transformation of the income tax from a "class tax" to a "mass tax" after the Depression and World War II. According to the historians, tax records are scattered throughout IRS headquarters, with no inventory, while others are rotting in leaky basements. The lawsuit maintains that the IRS and the National Archives and Records Administration have failed to comply with the Federal Records Act requiring all federal agencies to turn historically significant documents to the Archives. (Locy, Toni. "IRS's Record-Keeping Found Lacking," *The Washington Post*, 11 February 1997, A19.)

CIA critic leaves State Department

Richard Nuccio, an adviser in the State Department's Latin America bureau, left his post to become an aide to Sen. Robert Torricelli (D-NJ). Nuccio lost his security clearances last year because of his role in revelations about CIA activities in Guatemala. In March 1995, he took his concerns to Torricelli that the CIA had withheld information that a paid CIA informant was involved in a coverup of the killing of an American citizen and of the Guatemalan husband of an American woman. Torricelli's decision to make public the information upset the CIA which places high priority on the secrecy of its agents' identities. In his resignation letter to President Clinton, Nuccio wrote that the CIA continues to rely on disreputable agents for information although such persons are the "principal enemies of the policies of democracy and human rights." (Gedda, George. "CIA Critic Quits State to Push Reform," *The Washington Post*, 25 February 1997, A14.)

Army warned early of Gulf chemical exposure

The CIA provided the Army with information in February 1991 suggesting that an ammunition dump in Iraq that American troops blew up a month later may have contained chemical weapons. The Pentagon said that the information was never passed on to the American

troops who demolished the ammunition dump. These soldiers learned only last year that they may have been exposed to nerve gas as a result of the blasts. The Pentagon has estimated that 20,000 troops may have been exposed, although there is no conclusive evidence that anyone was made sick as a result. The newly declassified CIA reports undermine the Pentagon's repeated assertions that it was only last year that they were aware of the possibility of exposure of American troops to chemicals at the depot. The documents raise new suspicions about the credibility of the Pentagon and the CIA. Sen. John Rockefeller (D-WV) said the CIA had clearly hidden information about the issue. "The CIA is every bit as implicated as the D.O.D." he said. "The CIA has known since 1991 and totally failed to come forward until late last year." (Shenon, Philip. "Pentagon Now Says It Knew of Chemical Weapons Risk," *The New York Times*, 26 February 1997, A20.)

White House tries to control damage from documents release

The White House released hundreds of pages of documents related to new disclosures about President Clinton's role in Democratic fundraising. They follow thousands of other documents released over the past month that show how the Democratic National Committee raised money by bringing top supporters to the White House. Presidential aides declared the White House had nothing to hide. Having disclosed the documents, the White House was forced to explain what they meant. Some documents refer to DNC-sponsored coffees at the White House as fund-raisers, which are illegal on federal property. White House spokesman Michael McCurry said the events were misdescribed. (Harris, John F. "Hundreds of Pages Added to White House Experiment in Disclosure," *The Washington Post*, 26 February 1997, A8.)

New documents show Senator involved in controversial fundraising

Newly released White House documents contradict Sen. Chris Dodd's (D-CT) claim that he was not involved with the Democratic National Committee's controversial fundraising practices when he was the party's general chairman during the last election. Thus far, Dodd had blamed his former co-chair, Don Fowler for the DNC's fundraising mistakes. But a July 1995 memo shows that Dodd—over Fowler's objections—encouraged the White House to continue offering "premier" access to \$100,000 DNC contributors. (Henry, Ed. "Democrats Tied to DNC Scandal," *Roll Call*, 27 February 1997, A1.)

Pentagon reveals it lost chemical weapons logs

The Defense Department revealed that all full copies of the chemical-warfare logs from the 1991 Persian Gulf war had disappeared, although copies on paper and computer disks had been stored after the war in locked safes at two locations in the United States. An exhaustive search found only 36 pages of the estimated 200 pages of classified logs that were supposed to record any incident in which chemical or biological weapons were detected. The report increased speculation by veterans groups and Members of Congress that there had been either criminal incompetence with the Defense Department or a cover-up. (Shenon, Philip. "Pentagon Reveals It Lost Most Logs on Chemical Arms," *The New York Times*, 28 February 1997, A1.)

MARCH

Government has too many secrets

The Report of the Commission on Protecting and Reducing Government Secrecy, released in early March, said that the federal government's system for classifying and keeping secrets is out of control. The Commission was chaired by Sen. Daniel P. Moynihan (D-NY). According to the report, about a half-million government officials and contractors have the power to stamp a document "secret", and they do so on more than 3 million a year. In government vaults, there are about 1.5 billion pages of documents stamped secret that are more than 25 years old. About a half-million requests to make documents public under FOIA are received each year, but it can take months or years to respond. The cost of processing FOIA requests runs more than \$100 million a year. In 1995, President Clinton ordered that all secrets more than 25 years old should be automatically declassified by the year 2000—with certain exceptions for national security. But so far, only about 10 percent of those documents have been declassified. (Thomas, Evan. "Taming Uncle Sam's Classification Compulsion," *The Washington Post*, 9 March 1997, C2.)

White House and FBI clash over briefing

The White House and the FBI gave conflicting versions of their contacts with each other about a briefing on an alleged Chinese plan to influence the 1996 U.S. congressional elections. President Clinton complained that he had only recently found out about the allegation about China because FBI agents who briefed National Security Council staff at the White House asked that the information not be revealed, and the White House aides complied. Within hours, the FBI issued a public

statement rebutting this account, insisting that it had placed no restriction on the dissemination of information within the White House. The White House insisted the FBI statement was "in error." (Baker, Peter. "Clinton, FBI Clash Publicly Over China Probe Briefing," *The Washington Post*, 11 March 1997, A1.)

Eisenhower secretly recorded White House conversations

President Dwight Eisenhower used a secret dictabelt machine to record conversations in the Oval Office. The dictabelts went unnoticed at the Eisenhower library in Abilene, KS for more than 40 years. Old, creased, flattened out and stuffed into letter-sized envelopes with dates and other notations scribbled by Eisenhower or his secretary, the late Ann Whitman. The conversations were recorded on machines that are now obsolete. "We thought they were damaged and unplayable," library director Dan Holt said. But last summer a New York researcher, William S. Doyle, asked to listen to them. With the help of the Dictaphone Corp. and other experts the conversations that have been found will be released to the public. "The Eisenhower recording system was a closely held secret" when it was in operation, said Doyle. (Lardner, George. "Eisenhower Secretly Recorded Oval Office Sessions," *The Washington Post*, 15 March 1997, A6.)

FBI director admits giving inaccurate data

Louis Freeh, director of the FBI, acknowledged providing inaccurate testimony to Congress about the suspension of a crime-lab whistle-blower after the Department of Justice Inspector General told him to correct his testimony as promptly as possible. Sen. Charles Grassley (R-IA), chair of a Senate subcommittee that oversees the FBI, released several letters describing Freeh's testimony and its inaccuracies. An FBI statement said that Freeh "totally rejects any contention that he deliberately misled the Congress or the public." He promptly corrected the record when his "inadvertent omission" was pointed out to him, the statement said. (Davidson, Joe. "FBI's Director Admits Giving Inaccurate Data," *The Wall Street Journal*, 18 March 1997.)

Administration proposes legislation to protect humans from secret experiments

Continuing an ongoing story in this chronology, the Clinton Administration said it would propose legislation that would protect Americans involved in secret government experiments from abuses like those when humans were used in Cold War-era human radiation

tests. Additionally, Secretary of Energy Federico Pena announced that the Administration would expand current law and compensate roughly 600 uranium miners who developed lung cancer. Lack of records of the experiments, many dating from the 40s, 50s and 60s have hampered efforts to compensate victims or their survivors. (Strobel, Warren. "Rules set to protect human subjects," *The Washington Times*, 29 March 1997, A2.)

APRIL

EPA admits error in health benefits data

The Environmental Protection Agency conceded that it had overestimated by about one-fourth the health benefits of stricter air pollution standards the agency wants to impose this summer. The admission provides ammunition to those who oppose the proposed regulations. EPA now says the new standards designed to reduce smog and soot in American cities would prevent 15,000 premature deaths each year, down from the 20,000 originally projected. The recalculation came at an inopportune time for EPA because critics of the proposed rule allege that the proposals were not supported by scientific evidence. Supporters said the error does not change the fundamental problem of unhealthy levels of industrial soot in the air that leads to needless loss of life. (Warrick, Joby. "EPA Concedes Error in Air Pollution Claim," *The Washington Post*, 3 April 1997, A19.)

Too much useless information hampered troops in Bosnia

A Pentagon study has determined that too much useless information was overwhelming troops in Bosnia and that a "major weakness" existed in providing computerized human intelligence. The report was prepared by a task force of the Defense Science Board which said that the good news is that information flowing down to the troops is "much more robust." On the other hand, "we need to make sure that we don't saturate the warrior with data while starving him of useful information," the report said. Widespread computer viruses were identified as another problem. The task force recommended guards and training to prepare for the possibility that enemies might exploit the vulnerability of computers as a way to impede U.S. computer-run operations. (Pincus, Walter. "Information Glut Hampered U.S. Troops in Bosnia, Pentagon Say," *The Washington Post*, 3 April 1997, A22.)

Weather service cuts said to cost lives

Some employees of the National Weather Service are

fighting personnel cuts being made at the agency, maintaining that the cuts will impair forecasting and endanger lives and property. The weather service also said it would temporarily defer maintenance on vital computer and forecasting systems and freeze its program to replace equipment to meet a funding cut of \$27.5 million in FY97. The Administration has proposed an increase of \$10.8 million in FY98 for the weather service, but unless Congress approves this level, further deep personnel cuts will be necessary.

As an example of the risk to public safety resulting from these cuts, National Weather Service officials point out that three Coast Guard crewmen died in February off the coast of Washington when their boat capsized in rough seas during a rescue. The seas were forecast to be 12 to 15 feet high, but were actually as high as 24 feet. A weather service buoy in the area could have given a more accurate reading on sea height, but was not operating because the service had stopped maintaining it. "With the restructuring of the National Weather Service, we have more and more information coming to us on weather," said Rick McCoy, emergency management director of Van Wert County, OH. "Cutting staff means...the information is not going to get out in time and people are going to die." (Rivenbark, Leigh. "Storm Brews Over RIFs," *Federal Times*, 7 April 1997, 3.)

CIA says it failed to share information about chemical dump

The CIA released a report suggesting that intelligence errors may have led to the destruction of an Iraqi ammunition dump that may have exposed thousands of American troops to nerve gas. The CIA apologized to the veterans for the mistakes at an unusual televised news conference. The report revealed that the CIA had solid evidence in 1986 that thousands of weapons filled with mustard gas had been stored at the Kamisiyah ammunition depot in southern Iraq. Yet the agency failed to include the depot on a list of suspected chemical-weapons sites provided to the Pentagon before the war. (Shenon, Philip. "CIA Report Says It Failed to Share Data on Iraq Arms," *The New York Times*, 10 April 1997, A1.)

Justice Department Says CIA Failed to Refer Ames Information to the FBI

A Justice Department report concluded that "the CIA must bear the primary responsibility" for investigators' failure to focus early attention in the late 1980s on spy

Aldrich Ames. DOJ Inspector General Michael Bromwich reported that "potentially incriminating information concerning Ames" available at the CIA in late 1989 "was not properly referred to the FBI for investigation." Additionally, much of the summary of a still-classified 400-page report by Bromwich repeated criticisms of the FBI's performance that were made public in a 1994 House intelligence committee report. The report complained of the FBI's slow-start in investigating the loss of two FBI-recruited agents who had been working inside the Soviet Embassy in Washington. Ames, a veteran counterintelligence officer spied for nine years for Moscow. He provided information that led to the deaths of 10 Soviet and other officials who were working and clandestine agencies for the United States. (Pincus, Walter. "Report Faults CIA's Delay in Ames Case," *The Washington Post*, 22 April 1997, A6.)

President expands public access to environmental information

After considerable internal debate within the Administration, a decision was made to provide more access to more information from the government. President Clinton marked Earth Day by issuing new federal regulations requiring thousands more industrial facilities to report the toxic chemicals they emit into the air, land and water. The rules expand the "community-right-to-know" program that provides detailed public information on toxic materials in local communities. "By expanding community right to know, we're giving Americans a powerful--very powerful--early warning system to keep their children safe from toxic pollution," Clinton said. "We're giving them the most powerful tool in a democracy--knowledge." Citizens can tap into the Internet or visit local libraries to find out what toxic materials are being discharged in their neighborhood.

Administration officials had considered softening the plan because of complaints from industry officials and congressional Republicans who maintain that the requirements are too burdensome. Critics say that compliance with the rules cost too much, particularly for small businesses, which pay an estimated \$7,000 a year in paperwork. (Baker, Peter. "Clinton Marks Earth Day by Widening Scope of Toxic Release Reporting Rules," *The Washington Post*, 23 April 1997, A15.)

MAY

National Academy of Sciences committees must

open to the public

The U.S. Court of Appeals for the District of Columbia ruled that advisory committees of the National Academy of Sciences, the premier independent scientific body in the United States, must provide open public access to their deliberations and documents. The private, congressionally chartered organization plans to appeal the ruling to the Supreme Court on the grounds that such access could threaten the objectivity and quality of its research reports. The case at issue involves a suit by the Animal Legal Defense Fund and other groups to prevent the U.S. Department of Health and Human Services from using an NAS committee's proposed revisions to the principal federal guide for the care and use of laboratory animals.

The plaintiffs argued that the NAS committees should be subject to the 1972 Federal Advisory Committee Act which requires bodies that advise the federal government to open their proceedings and to follow strict government regulations in appointing committees and conducting meetings. For decades, NAS has exercised exclusive control over committee membership and usually has met behind closed doors on such controversial topics as: nuclear energy, air quality, pesticide safety, electrical and magnetic fields. Even when committees act under congressional mandates, are funded by federal agencies and are producing reports intended to influence government policy, NAS has followed its own rules. Bruce Alberts, the academy's president, said this practice ensures that the panels can provide "independent, objective scientific advice" free of political pressure of partisan influence." (Suplee, Curt. "Court Orders Public Access at National Academy of Sciences," *The Washington Post*, 7 May 1997, A19.)

Social Security Administration shuts down online access to database

In April, the Social Security Administration shut down online access to its database of Personal Earnings and Benefits Estimate Statements for 60 days after some Members of Congress, privacy advocates and the public complained that personal privacy was too easily compromised at the site. Recent Congressional hearings were held to determine what kind of security would allow the SSA to safely resume posting the sensitive financial records on the Internet. All it took was five items of personal information to unlock personal information on the database: a name, Social Security number, mother's maiden name, birth date and place of birth. The purpose of the site was to make it easier for

workers to see their financial records and plan for retirement. The acting Social Security Administrator James Callahan testified, "Nothing is more important to Social Security than maintaining the public's confidence in our ability to keep confidential the sensitive data we maintain on American citizens." But he pointed out that the security problem is shared by other government agencies that are increasingly using the Internet to conduct business. (Saffir, Barbara. "Sharing the Secrets With the Right Party," *The Washington Post*, 8 May 1997, A25.)

White House will appeal Court decision that it must turn over lawyers' notes

The White House will appeal to the Supreme court a decision of the 8th U.S. Circuit Court of Appeals that the White House must turn over subpoenaed notes to Whitewater independent counsel Kenneth Starr. The notes in question were taken by White House lawyers when investigators questioned Hillary Rodham Clinton about matters related to the Whitewater real estate dealings in Arkansas. The efforts of the White House to keep the lawyers' notes away from investigators were not known before this ruling. (Biskupic, Joan. "Lawyers for White House Ask High Court to Shield Notes," *The Washington Post*, 13 May 1997, A4.)

Report says secret Army chemical spraying did not harm health

A National Research Council report determined that the secret spraying of a potentially toxic chemical, zinc cadmium sulfide, in tests by the Army in the 1950s and 1960s apparently did not harm health. According to the NRC findings, the chemical, sprayed from airplanes, rooftops and moving vehicles in 33 urban and rural areas of the United States and Canada, did not expose residents to chemical levels considered harmful. Sites for the secret spraying included Minneapolis and surrounding areas; Corpus Christi, TX; Fort Wayne, IN; and St. Louis, MO. (Leary, Warren. "Secret Army Chemical Tests Did Not Harm Health, Report Says," *The New York Times*, 15 May 1997, A24.)

President apologizes for government deception

President Clinton formally apologized to the eight survivors of secret government experiments that became known as the "Tuskegee experiment." In a White House ceremony, the President said, "What was done cannot be undone, but we can end the silence." The Tuskegee experiment, begun in 1932 and ended in the 1970s when a newspaper article revealed it, was carried out by the

U.S. Public Health Service. Participants were promised free medicine and meals, but were never told their venereal disease was being left untreated to study its long-term effects. (Harris, John and Michael Fletcher. "Six Decades Later, an Apology," *The Washington Post*, 17 May 1997, A1.)

Fate unknown of many families cut off welfare

A General Accounting Office study found that states have cut off welfare benefits to 18,000 families in recent years, most because they failed to find work or move far enough toward that goal. About three fourths of those who lost benefits were still receiving some federal assistance, such as Medicaid, food stamps, disability payments or housing aid. About one-third of the families were returned to welfare rolls when they agreed to comply with state requirements. But GAO said that a lack of information made it impossible to know whether the circumstances of the families who lost benefits had improved or if they had fallen deeper into poverty. Frequently, states could not say what had happened to as many as half the families that had lost benefits. "This is the first indicator that people, when they go out of the welfare system, you're not in touch with them," said Sen. Daniel Patrick Moynihan (D-NY), who requested the study. (Vobejda, Barbara. "States Cut 18,000 Families from Welfare Rolls, GAO Reports," *The Washington Post*, 16 May 1997, A11.)

Fugitive documents decrease public access to information

Rep. Steny Hoyer (D-MD) inserted in the *Congressional Record* a report prepared by the Government Printing Office on the extent of the problem of fugitive government publications, publications that should be available to the public in the nation's depository libraries but are excluded for a variety of reasons. The GPO report documents the scope of this problem and recommends solutions. Hoyer said, "It is important that people know just how serious this problem is."

GPO said four major factors have contributed to increasing losses of key general interest publications in the Federal Depository Library Program (FDLP): 1) electronic information dissemination via agency Web sites without notification to the FDLP; 2) the decreasing compliance with statutory requirements for agencies to print through GPO or to provide copies of publications not printed through GPO to the FDLP; 3) the increasing trend for agencies to establish exclusive arrangements with private sector entities that place copyright or

copyright-like restrictions on the products involved in such agreements; and 4) increasing use by agencies of the rationale that publications must be sold in order to be self-sustaining. (Hoyer, Steny. "People's Right To Access," *Congressional Record*, 22 May 1997, E1045-46.)

CIA destroyed documents on the 1953 coup in Iran

The CIA said that it had destroyed or lost almost all of the documents related to its secret mission to overthrow the government of Iran in 1953. The agency has promised for more than five years to make the records public. Apparently the two successive directors of the CIA, Robert Gates in 1992 and James Woolsey in 1993, who pledged the documents would be released as part of the CIA's "openness" initiatives, did not know there was little left to open. Almost all the documents were destroyed in the early 1960s. "If anything of substantive importance that was an only copy was destroyed at any time," Woolsey said, "this is a terrible breach of faith with the American people and their ability to understand their own history." Nick Cullather, a historian on the CIA staff in 1992 and 1993 said that the records were eliminated by "a culture of destruction," born of secrecy. (Weiner, Tim. "CIA Destroyed Files on 1953 Iran Coup," *The New York Times*, 29 May 1997, A19.)

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Lack of data hampers agency compliance with law

The General Accounting Office has determined that many federal agencies are having difficulty fulfilling the intent of the 1993 Government Performance and Results Act. GAO predicted that although agencies will meet the September deadline for filing strategic plans and annual performance goals, "those documents will not be of a consistently high quality or as useful for congressional and agency decision-making as they could be." Among the challenges agencies face are a lack of information on program performance. GAO questioned the equality and accuracy of information on program performance even when the data exists. The GAO report, "The Government Performance and Results Act: 1997 Government wide Implementation Will be Uneven" (GAO/GGD-97-109) was posted on the GAO's Internet site, www.gao.gov. (Barr, Stephen. "Agencies Are Having Difficulty Measuring Success, GAO Finds," *The Washington Post*, 3 June 1997, A17.)

Legislation moves forward to allow federal employees to provide more secrets to Congress

The Senate Select Committee on Intelligence approved legislation that would permit federal employees, including those who work for the CIA, to give classified information to Senators and Representatives with the approval of their superiors if it exposes misstatements made to Congress, gross mismanagement or waste, fraud or abuse. Since the Reagan Administration, Executive Branch policy has prohibited federal employees from giving classified material to legislators or Congressional committees without first clearing such action with their bosses. Sen. Robert Kerrey (D-NE), vice chair of the committee, said that current Administration policy left federal workers in doubt about whether they could go to Congress as whistleblowers with classified information. "This undermines Congress's ability to fulfill its constitutional responsibility and is particularly troubling when intelligence agencies are involved," he said. (Pincus, Walter. "Panel Votes to Let Agency Staff Pass More Secrets to Capitol Hill," *The Washington Post*, 6 June 1997, A3.)

Semi-annual updates of this publication have been compiled in two indexed volumes covering the periods April 1981-December 1987 and January 1988-December 1991. *Less Access...* updates are available for \$1.00; the 1981-1987 volume is \$7.00; the 1988-1991 volume is \$10.00. To order, contact the American Library Association Washington Office, 1301 Pennsylvania Avenue, NW, #403, Washington, DC 20004-1701; 202-628-8410, fax 202-628-8419. All orders must be prepaid and must include a self-addressed mailing label.